

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3217 OF 2005

The Needs of Life Co-operative Bank Ltd.

& Anr. : Petitioners

V/s.

Ishwardas Topandas Ghanshani & Ors. : Respondents

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Mr.Y.S.Jahagirdar with Mr.R.S.Datar for the petitioners.

None present for the respondents.

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CORAM : S.A. BOBDE, J.

July 20, 2005.

P.C.:

1. The petitioner-Bank is aggrieved by the order of the Co-operative Court duly confirmed by the Co-operative Appellate Court by which the appellate Court has refused to direct the production of income-tax and sales-tax returns of the borrower-respondent filed under the respective Acts.

2. I see no error of law apparent on the face of the order since the Bank can certainly proceed to recover its amount without the said returns.

3. The other order challenged by the petitioner-Bank is the refusal of the Co-operative Court to allow the application of the Bank asking for a direction to the borrower to appear for cross-examination before hearing of the application for temporary reliefs. The trial Court held that the matter can be disposed of on the basis of affidavit. This has also been upheld by the appellate Court. In my view, this order also does not suffer from any infirmity, jurisdictional or otherwise. This is a matter purely within the discretion of the trial Court unless, of course, it results in miscarriage of justice. There appears to be none due to this order.

4. The last prayer made by the petitioners before the respondents, however, is worth consideration, viz., that the dispute be decided early. Having regard to the circumstances of the case, I consider it appropriate, in the interest of justice, to direct the Co-operative Court to decide the dispute, as expeditiously as possible, and in any case, not later than six months from the date the parties appear before it. The parties are directed to appear before the trial Court on 8.8.2005.

5. The petition is disposed of in the above terms.

S.A. BOBDE, J.